

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

UNITED STATES OF AMERICA

v.

NATHAN REARDON

Case No. 1:21-cr-00061-LEW

**RESPONSE TO ORDER**

The Government responds to this Court’s Order (Dkt. #225) and Defendant Nathan Reardon’s Motion to Extend Time to Appeal (Dkt. #224) to confirm that it has no objection to Defendant’s health-related bases for enlarging the time for his filing of the notice of appeal. Criminal defendants have “a maximum of forty[-four] days” to file a timely notice of appeal, such that “[c]ourts cannot extend the time period beyond the forty[-four]-day time period prescribed by [Federal Rule of Appellate Procedure] 4(b).” *United States v. Rapoport*, 159 F.3d 1, 2-3 (1st Cir. 1998). Here, although a period exceeding 44 days has now elapsed, Defendant did file his notice of appeal within the 44-day period. Accordingly, and given the First Circuit’s Order (Dkt. #223), it appears that this Court may recognize Defendant’s notice of appeal to the extent it finds excusable neglect or good cause. Fed. R. App. P. 4(b)(4).

Dated: January 2, 2025

Respectfully submitted

DARCIE N. MCELWEE  
UNITED STATES ATTORNEY

/s/ Andrew K. Lizotte  
Andrew K. Lizotte, AUSA  
202 Harlow Street  
Bangor, ME 04401  
(207) 262-4636  
[Andrew.Lizotte@usdoj.gov](mailto:Andrew.Lizotte@usdoj.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2025, I electronically filed the foregoing using the CM/ECF system, which will send an electronic notification of such filing to all counsel of record, and that I have further caused the same to be mailed to Defendant's last known address of record.

DARCIE N. MCELWEE  
UNITED STATES ATTORNEY

/s/ Andrew K. Lizotte  
Andrew K. Lizotte, AUSA  
202 Harlow Street  
Bangor, ME 04401  
(207) 262-4636  
[Andrew.Lizotte@usdoj.gov](mailto:Andrew.Lizotte@usdoj.gov)